



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.04.2017

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A.[MD]No.310 of 2017

A.Kodiammal @ Meenakshi

... Appellant/Petitioner

Vs.

1.The Managing Director,
Tamil Nadu Transport Corporation Ltd.,
Dindigul.

2.The Deputy Manager (Administration),
Tamil Nadu Transport Corporation Ltd.,
Dindigul.

... Respondents/
Respondents

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent, against the order dated 04.01.2017, made in W.P.(MD)No.71 of 2017.

Prayer in WP(MD). 71/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the Respondents for the employment for her son in compassionate ground on the basis of her representation dated 4.8.2016.

For Appellant : Mr.M.A.M.Raja

For Respondents : Mr.A.Jeyaram

JUDGMENT

[Judgment of the Court was delivered by **T.S.SIVAGNANAM, J.**]

Heard Mr.M.A.M.Raja, learned counsel appearing for the appellant and Mr.A.Jeyaram, learned Standing Counsel appearing for the respondent Transport Corporation.

2.This Writ Appeal is directed against the order, dated 04.01.2017, passed in W.P.(MD)No.71 of 2017. The said Writ Petition was filed by the appellant for issuance of a Writ of Mandamus, directing the respondents to provide employment to her son on compassionate ground, by considering her representation, dated 04.08.2016.

3.The Writ Petition came to be dismissed primarily on the ground that the appellant had earlier filed a Writ Petition in W.P.(MD)No.6180 of 2008 and in the said Writ Petition, the appellant had given up the relief of compassionate appointment and therefore, the appellant cannot re-open the issue after the



disposal of the earlier Writ Petition.

4. We have heard Mr. A. Jeyaram, learned Standing Counsel appearing for the respondents on the above submissions.

5. On a perusal of the order passed in the earlier Writ Petition in W.P.(MD) No. 6180 of 2008, dated 23.07.2015, we find that there was no specific prayer sought for by the appellant for grant of compassionate appointment to herself or to her son. The Writ Petition itself was to release the terminal benefits payable to the deceased employee, her husband. The said Writ Petition, which was in the year 2008, was disposed of on 23.07.2015, directing the respondent Corporation to consider the representation given by the appellant, dated 07.01.2008. There was no specific prayer for grant of compassionate appointment, nor the Court dealt with the same. It appears that after the Writ Petition was disposed of, the respondent Corporation has passed an order on 19.08.2016, almost after one year, after the order passed in the Writ Petition, by stating that the deceased employee has to remit a sum of Rs. 1,72,000/- towards the loan availed from the Thrift Society apart from other amounts payable. The learned counsel for the appellant would submit that this proceedings was issued only recently and the appellant was unable to approach the authorities earlier, because, they insisted upon production of Legal Heirship Certificate and there was a delay in obtaining the same.

6. Be that as it may, we find that the appellant has not given up her right to seek for compassionate appointment in the earlier Writ Petition. Therefore, we are inclined to issue appropriate direction to the respondent Corporation to consider her claim on merits. We make it clear that we have not made any observation as regards the appellant's entitlement for compassionate appointment for her son and it is left open to the respondent Corporation to consider the same in accordance with law.

7. In the light of the above, this Writ Appeal is allowed. The order dated 04.01.2017, passed in W.P.(MD) No. 71 of 2017 is set aside and the respondent Corporation is directed to consider the appellant's representation, dated 04.08.2016, on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this judgment. No costs.

Sd/-

Assistant Registrar (CS-III)

/True copy/

Sub Assistant Registrar

+2 CC to M.A.M. RAJA, ADVOCATE, SR No. 50809

SMN2

PSM/SV-MMS/SAR3/28.04.2017/2P/3C